

SENATE BILL No. 181

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-4-7.

Synopsis: Child seduction. Expands the group of persons who commit child seduction by adding persons employed by a charter school and persons otherwise affiliated with a school corporation, charter school, or nonpublic school, if the person affiliated with the school has direct, ongoing contact with children attending the school. (Under current law, the group of persons who commit child seduction in a school context is limited to persons employed by a school corporation or nonpublic school.)

Effective: July 1, 2009.

Lubbers

January 7, 2009, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 181

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-42-4-7, AS AMENDED BY P.L.1-2005,
2 SECTION 228, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) As used in this section,
4 "adoptive parent" has the meaning set forth in IC 31-9-2-6.

5 (b) As used in this section, "adoptive grandparent" means the parent
6 of an adoptive parent.

7 **(c) As used in this section, "charter school" has the meaning set**
8 **forth in IC 20-18-2-2.5.**

9 ~~(c)~~ (d) As used in this section, "child care worker" means a person
10 who:

11 (1) provides care, supervision, or instruction to a child within the
12 scope of the person's employment in a shelter care facility; ~~or~~

13 (2) is employed by a:

14 (A) school corporation;

15 **(B) charter school; or**

16 ~~(B)~~ (C) nonpublic school;

17 attended by a child who is the victim of a crime under this

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chapter; or

(3) is:

(A) affiliated with a:

(i) school corporation;

(ii) charter school; or

(iii) nonpublic school;

attended by a child who is the victim of a crime under this chapter, regardless of how or whether the person is compensated; and

(B) in a position with the school in which the person has direct, ongoing contact with children who attend the school.

The term does not include a student who attends the school.

(d) (e) As used in this section, "custodian" means any person who resides with a child and is responsible for the child's welfare.

(e) (f) As used in this section, "nonpublic school" has the meaning set forth in IC 20-18-2-12.

(f) (g) As used in this section, "school corporation" has the meaning set forth in IC 20-18-2-16.

(g) (h) As used in this section, "stepparent" means an individual who is married to a child's custodial or noncustodial parent and is not the child's adoptive parent.

(h) (i) If a person who is:

(1) at least eighteen (18) years of age; and

(2) the:

(A) guardian, adoptive parent, adoptive grandparent, custodian, or stepparent of; or

(B) child care worker for;

a child at least sixteen (16) years of age but less than eighteen (18) years of age;

engages with the child in sexual intercourse, deviate sexual conduct (as defined in IC 35-41-1-9), or any fondling or touching with the intent to arouse or satisfy the sexual desires of either the child or the adult, the person commits child seduction, a Class D felony.

SECTION 2. [EFFECTIVE JULY 1, 2009] IC 35-42-4-7, as amended by this act, applies only to crimes committed after June 30, 2009.

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